

*DAC*

Patents  
Attorney Docket No. 70,840

**In the Patent and Trademark Office**

In re: Snail et al..  
Serial No.: (Unassigned)  
Filed: (Unassigned)  
For: INFRARED INTEGRATING SPHERE

Examiner: (Unassigned)  
Art Unit: (Unassigned)

*Att: DAC  
Karen Canaan  
(Petitions)*

**Renewed Petition under 37 C.F.R. §1.181  
and  
Interview Summary Record**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20230:

Sir:

**RECEIVED**  
**NOV 10 1999**  
**OFFICE OF PETITIONS**  
**DEPUTY A/C PATENTS**

This is in response to the "Decision Dismissing Petition," dated September 7, 1999, which sets a non-extendable time period of two-months to renew Applicants' Petition to Take Action. To be responsive, the Decision asks that Applicants forward a copy of all papers filed in the PTO on October 9, 1987, as well as copies of the two formal status inquiries made about this application. Last week, Ms. Karen Canaan of the PTO telephoned to the effect the instant application is now being processed, and that the only remaining task is to get inventors' declarations under 37 C.F.R. §1.63. No agreement was reached, however, about forwarding to the undersigned a statement that the requirements of the Decision were withdrawn. Accordingly, Applicants respond as follows:

A copy of all the papers filed on October 9, 1987 was forwarded to the PTO on August 20, 1999, and the telephone conversations with Ms. Canaan indicate that these papers are received. Among those papers is the "Assignment of Snail," which the PTO recorded on October 9, 1987, at reel 4772, frame 756. The

Serial No. (Unassigned)  
Applicants: Snail et al.

Patents  
Attorney Docket No. 70,840

copy of the "Declaration of Keith A. Snail," also forwarded last August 20th is unsigned. In my office's casefile, there is a to-do list in my handwriting, apparently made at time of filing, indicating that a copy of the declaration should be gotten from the PTO's file upon my office receiving the PTO's filing receipt. From this, I conclude that it is likely that the copy of the declaration which was filed on October 9, 1987, unlike the copy forwarded last August, was signed, and that my office neglected to make a copy of the signed original, although I have no independent recollection of this. Under any circumstances, it is the best my office has.

The Decision asks for copies of the status inquiries earlier filed with the PTO, and copies of their filing receipts. A copy of each request is enclosed. The first, filed with a certificate of mailing on June 8, 1988, also has a postal receipt card date stamped by the PTO on June 9, 1988, and a U.S. Post Office date stamp of June 25, 1988. The second has a certificate of hand delivery signed by me on January 6, 1989. My office's casefile has no PTO stamped receipt for it. Although I have no specific recollection of the details surrounding the filing of this status inquiry (or the other, for that matter) the certificate indicates that I would have hand delivered it to the PTO attorneys' window personally. It is also my office's policy to accompany any such hand carried paper with a receipt card for PTO stamping. I have no idea why there is no receipt with my office's casefile.

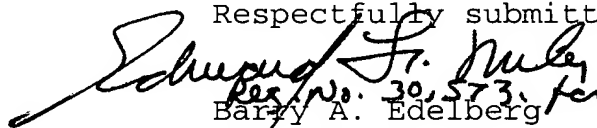
Serial No. (Unassigned)  
Applicants: Snail et al.

Patents  
Attorney Docket No. 70,840

The decision asks that this letter "address the timeliness issue of 37 CFR 1.181(f)." The response is that there is no issue. Nothing short of an act of Congress can relieve the Commissioner of the duty to examine properly filed patent applications. Even were this not so, §1.181(f) by its terms addresses the timeliness of petitions from "acts" of the PTO. Prior to the events last August, the PTO has never performed acts on this application, only a consistent string of omissions.

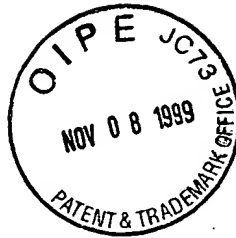
Finally, the PTO is respectfully reminded that when the application was filed in 1987 it had missing parts. The acts which define the timing and timeliness of filing Missing Parts was, then as now, set by 37 C.F.R. §1.53(d).

Respectfully submitted,

  
Barry A. Edelberg  
Reg. No. 30,573  
Reg. No. 31,012  
Attorney for Applicants

Prepared by:

Edward F. Miles  
Reg. No. 30,573  
Tele.: (202)-404-1556



Patents

Navy Case No. 70,840

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:

Keith A. Snail

Kevin L. Carr

For: INFRARED INTEGRATING SPHERE

Patents

Attn: Application Branch

STATUS INQUIRY

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20230

Sir:

On October 9, 1987, my office filed the above styled application in the Patent and Trademark Office, as indicated by the receipt card date stamped by the Patent Office's mail room, a photostatic copy of which is attached hereto. To date, my office has not received a filing receipt ("blue slip") for the application, nor any other paper concerning the application.

The length of time that has passed in silence since filing has raised concern about the cases's disposition; accordingly, the Commissioner is respectfully requested to inform my office of the status of the case.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on June 8, 1988.

Edward F. Miles  
EDWARD F. MILES, Reg. No. 30,573

Respectfully submitted,  
Keith A. Snail et al.

Thomas E. McDonnell  
THOMAS E. McDONNELL  
Reg. #26950

NAVY CASE NO  
SERIAL NO.  
APPLICANT

70,840

Keith A. Snail et al.



Receipt of the following application papers is evidenced heron by official stamp of the U. S. Patent and Trademark Office:

Title INFRARED INTEGRATING SPHERE

No. pages Spec. 30

Claims 10

Drawings 2

~~Examination~~ Efr 10/9/87

Information Disclosure  
Statement

Declaration of Keith  
A. Snail

Assignment of Snail.

by Deposit Acct. 04-0314

Efr 9/10/87

NAVONR 5870/51 (REV. 7-79)



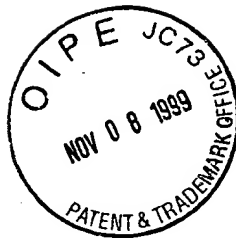
Associate Counsel (Patents)  
Naval Research Laboratory  
Attn: Code 1208.2  
Washington, DC 20375

POSTAGE AND FEES PAID  
DEPARTMENT OF THE NAVY  
DOD-316



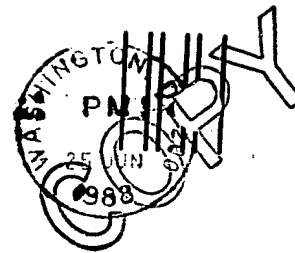
DEPARTMENT OF THE NAVY

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300



COPY

DEPARTMENT OF THE NAVY



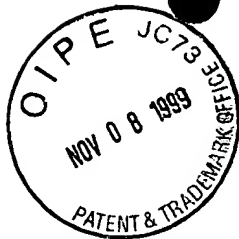
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID  
DEPARTMENT OF THE NAVY  
DOD-316

Associate Counsel, Patents  
Code 1208.2  
Naval Research Laboratory  
Washington, D.C. 20375-5000

COPY

COPY



COPY

NAVY CASE NO. 70,840

SERIAL NO.

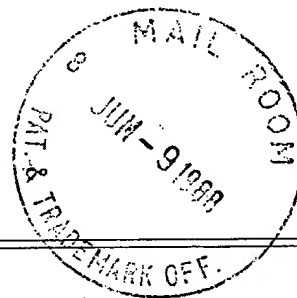
APPLICANT

Keith A. Snail et al.

*mila*

Receipt of the following application papers is evidenced hereon by official stamp of the  
U. S. Patent and Trademark Office:

STATUS INQUIRY



NAVONR 5870/51 (REV. 7-79)

COPY

COPY

COPY

Navy Case No. 70,840



Patents

**In the Patent and Trademark Office**

In re: Keith A. Snail et al.  
Serial No.: None Known  
Filed: October 9, 1987  
For: INFRARED INTEGRATING SPHERE

Examiner: None Known  
Art Unit: None Known

STATUS INQUIRY  
AND  
INTERVIEW SUMMARY RECORD

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

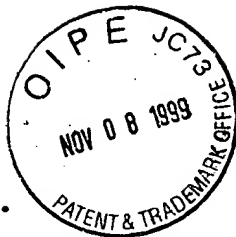
Sir:

On January 4, 1989, Mr. Miles of this office telephoned the Patent and Trademark Office concerning this application, and spoke with Ms. Shirley Steele of the Office's mail room. He stated that, despite the length of time since filing, and despite this office's several inquiries with the Patent Office (one written and several by telephone), no filing receipt for this case, nor any other paper from the Patent Office concerning this case has been received. Mr. Miles further stated that no acknowledgement of the written status inquiry, filed with the Patent Office in July of 1988, has been received.

Ms. Steele asked that a copy of the filing receipt card be forwarded, and that she would undertake an investigation. The copy is attached hereto.



Serial No.: None Known  
Application of: Snail et al.



Patents  
Navy Case No.: 70840

The undersigned wishes to thank Ms. Steele for her assistance.

COPY

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas E. McDonnell".

Thomas E. McDonnell  
Reg. No. 26,950  
Attorney for Applicants

Prepared by:  
Edward F. Miles  
Reg. No. 30,573  
Telephone: 767-3427

#### Certificate of Hand Delivery

I hereby certify that this correspondence is being hand carried to the attorneys' window of the U.S. Patent and Trademark Office on January 6, 1989, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, attn: Ms. Shirley Steele, P.T.O. mail room.

COPY

Edward F. Miles  
Reg. No. 30,573

COPY

COPY

Serial No.: None Known  
Application of: Snail et al.

Patents  
Navy Case No.: 70840

NAVY CASE NO. 70,840  
SERIAL NO.  
APPLICANT Keith A. Snail et al.

Receipt of the following application papers is evidenced hereon by official stamp of the U.S. Patent and Trademark Office:



Title INFRARED INTEGRATING SPHERE

No. pages Spec. 30

No. Claims 16

No. Sheets Dwg. 2

Declaration *Edm 10/9/87*

Information Disclosure  
Statement

Declaration of Keith  
A. Snail

*Assignment of Snail.*

Filed by Deposit Acct. 04-0814

*Edm 9/10/87*

NAVONR 5870/51 (REV. 7-79)

### Certificate of Hand Delivery

I hereby certify that this correspondence is being hand carried to the attorneys' window of the U.S. Patent and Trademark Office on January \_\_\_\_\_, 1989, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 Attn: Ms. Shirtley Steele, P.T.O. Mail Room

*Edward F. Miles*  
Reg. No. 30,573